

Executive Summary – Enforcement Matter – Case No. 58112
PERMIAN LODGING MIDLAND LLC
RN107150658
Docket No. 2019-1122-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Permian Lodging, 2801 South County Road 1180 near Midland, Midland County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 10, 2020

Comments Received: No

Penalty Information

Total Penalty Assessed: \$172

Total Paid to General Revenue: \$172

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 25, 2019 and July 29, 2019

Date(s) of NOE(s): August 2, 2019

Executive Summary – Enforcement Matter – Case No. 58112
PERMIAN LODGING MIDLAND LLC
RN107150658
Docket No. 2019-1122-PWS-E

Violation Information

1. Failed to submit well completion data for review and approval prior to placing the Facility's three public drinking water wells into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].
2. Failed to pay annual Public Health Service fees and/or associated late fees [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91650147;
- b. Within 180 days, submit well completion data for review and approval for the Facility's three wells;
- c. Within 195 days, submit written certification to demonstrate compliance with b.;
- d. Within 270 days, obtain approval of the well completion data for the Facility's three wells; and
- e. Within 285 days, submit written certification to demonstrate compliance with d.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ryan Byer, Enforcement Division, Enforcement Team 8, MC 219, (512) 239-2571; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Ralph McIngvale, Manager, PERMIAN LODGING MIDLAND LLC, 19101 Oil Center Boulevard, Houston, Texas 77073

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	29-Jul-2019	Screening	29-Jul-2019	EPA Due	
	PCW	30-Jul-2019				

RESPONDENT/FACILITY INFORMATION

Respondent	PERMIAN LODGING MIDLAND LLC		
Reg. Ent. Ref. No.	RN107150658		
Facility/Site Region	7-Midland	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	58112	No. of Violations	2
Docket No.	2019-1122-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$150**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **15.0%** **Adjustment** **Subtotals 2, 3, & 7** **\$22**

Notes Enhancement for three NOV's with the same/similar violations.

Culpability **No** **0.0%** **Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** **Enhancement*** **Subtotal 6** **\$0**

Total EB Amounts \$522
Estimated Cost of Compliance \$4,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$172**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$172**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$172**

DEFERRAL **0.0%** **Reduction** **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$172**

Screening Date 29-Jul-2019

Docket No. 2019-1122-PWS-E

PCW

Respondent PERMIAN LODGING MIDLAND LLC

Policy Revision 4 (April 2014)

Case ID No. 58112

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107150658

Media Public Water Supply

Enf. Coordinator Ryan Byer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 15%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for three NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 15%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 15%

Screening Date 29-Jul-2019

Docket No. 2019-1122-PWS-E

PCW

Respondent PERMIAN LODGING MIDLAND LLC

Policy Revision 4 (April 2014)

Case ID No. 58112

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107150658

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(A)

Violation Description

Failed to submit well completion data for review and approval prior to placing the Facility's three public drinking water wells into service. Specifically, letters dated October 5, 2015, and April 10, 2019 informed the Respondent that the TCEQ was unable to approve the wells and requested additional documentation for review and approval. However, no documentation was received.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3

4 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

Three single events are recommended, one for each well.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$522

Violation Final Penalty Total \$173

This violation Final Assessed Penalty (adjusted for limits) \$173

Economic Benefit Worksheet

Respondent PERMIAN LODGING MIDLAND LLC
Case ID No. 58112
Reg. Ent. Reference No. RN107150658
Media Public Water Supply
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,500	13-Jul-2018	5-Nov-2020	2.32	\$522	n/a	\$522

Notes for DELAYED costs

The delayed cost includes the estimated amount to compile well completion data and submit it for approval for the Facility's three wells (\$1,500 per well), calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,500

TOTAL

\$522

Screening Date 29-Jul-2019

Docket No. 2019-1122-PWS-E

PCW

Respondent PERMIAN LODGING MIDLAND LLC

Policy Revision 4 (April 2014)

Case ID No. 58112

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107150658

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702

Violation Description

Failed to pay annual Public Health Service fees and/or associated late fees for TCEQ
Financial Administration Account No. 91650147 for Fiscal Year 2019.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix
Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next
billing cycle.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	

Notes

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent PERMIAN LODGING MIDLAND LLC
Case ID No. 58112
Reg. Ent. Reference No. RN107150658
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0



Compliance History Report

Compliance History Report for CN604538249, RN107150658, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator:	CN604538249, PERMIAN LODGING MIDLAND LLC	Classification:	UNCLASSIFIED	Rating:	-----
Regulated Entity:	RN107150658, PERMIAN LODGING	Classification:	UNCLASSIFIED	Rating:	-----
Complexity Points:	3	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	2801 SOUTH COUNTY ROAD 1180 NEAR MIDLAND, MIDLAND COUNTY, TEXAS				
TCEQ Region:	REGION 07 - MIDLAND				
ID Number(s):					
WATER QUALITY NON PERMITTED ID NUMBER	R07107150658		PUBLIC WATER SYSTEM/SUPPLY REGISTRATION	1650147	
Compliance History Period:	September 01, 2013 to August 31, 2018	Rating Year:	2018	Rating Date:	09/01/2018
Date Compliance History Report Prepared:	July 29, 2019				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	July 29, 2014 to July 29, 2019				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Ryan Byer		Phone:	(512) 239-2571	

Site and Owner/Operator History:

- | | |
|--|----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | NO |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	08/31/2018	(1500071)		
	Self Report?	NO		Classification:	Major
	Citation:	30 TAC Chapter 290, SubChapter D 290.39(e)(4) 30 TAC Chapter 290, SubChapter D 290.39(e)(5) 30 TAC Chapter 290, SubChapter D 290.39(h) 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A) 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(G) 5A THSC Chapter 341, SubChapter A 341.035(a)			

Description: Failure to obtain approval for plans and specifications and/or approval to use a well for a transient non-community groundwater system in accordance with 30 Texas Administrative Code (TAC) § 290.41(c)(3)(A), 290.41(c)(3)(G), 290.41(c)(1)(F), 290.39(e)(4), 290.39(e)(5), 290.39(h) and Texas Health & Safety Code § 341.035(a).

- 2 Date: 11/12/2018 (1524314)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(4)
 30 TAC Chapter 290, SubChapter D 290.39(e)(5)
 30 TAC Chapter 290, SubChapter D 290.39(h)
 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(G)
 5A THSC Chapter 341, SubChapter A 341.035(a)
Description: Failure to obtain approval for plans and specifications and/or approval to use a well for a transient non-community groundwater system in accordance with 30 Texas Administrative Code (TAC) § 290.41(c)(3)(A), 290.41(c)(3)(G), 290.41(c)(1)(F), 290.39(e)(4), 290.39(e)(5), 290.39(h) and Texas Health & Safety Code § 341.035(a).
- 3 Date: 03/05/2019 (1550302)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(4)
 30 TAC Chapter 290, SubChapter D 290.39(e)(5)
 30 TAC Chapter 290, SubChapter D 290.39(h)
 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(G)
 5A THSC Chapter 341, SubChapter A 341.035(a)
Description: Failure to obtain approval for plans and specifications and/or approval to use a well for a transient non-community groundwater system in accordance with 30 Texas Administrative Code (TAC) § 290.41(c)(3)(A), 290.41(c)(3)(G), 290.41(c)(1)(F), 290.39(e)(4), 290.39(e)(5), 290.39(h) and Texas Health & Safety Code § 341.035(a).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 7/29/2014 and 7/29/2019

- 1* Date: 08/31/2018 (1500071)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(4)
 30 TAC Chapter 290, SubChapter D 290.39(e)(5)
 30 TAC Chapter 290, SubChapter D 290.39(h)
 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(G)
 5A THSC Chapter 341, SubChapter A 341.035(a)
Description: Failure to obtain approval for plans and specifications and/or approval to use a well for a transient non-community groundwater system in accordance with 30 Texas Administrative Code (TAC) § 290.41(c)(3)(A), 290.41(c)(3)(G), 290.41(c)(1)(F), 290.39(e)(4), 290.39(e)(5), 290.39(h) and Texas Health & Safety Code § 341.035(a).
- 2 Date: 11/12/2018 (1524314)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(4)
 30 TAC Chapter 290, SubChapter D 290.39(e)(5)
 30 TAC Chapter 290, SubChapter D 290.39(h)
 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(G)
 5A THSC Chapter 341, SubChapter A 341.035(a)
Description: Failure to obtain approval for plans and specifications and/or approval to use a well for a transient non-community groundwater system in accordance with 30 Texas Administrative Code (TAC) § 290.41(c)(3)(A), 290.41(c)(3)(G), 290.41(c)(1)(F), 290.39(e)(4), 290.39(e)(5), 290.39(h) and Texas Health & Safety Code § 341.035(a).
- 3 Date: 03/05/2019 (1550302)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(4)
 30 TAC Chapter 290, SubChapter D 290.39(e)(5)
 30 TAC Chapter 290, SubChapter D 290.39(h)
 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(G)
 5A THSC Chapter 341, SubChapter A 341.035(a)
Description: Failure to obtain approval for plans and specifications and/or approval to use a well for a transient non-community groundwater system in accordance with 30 Texas Administrative Code (TAC) § 290.41(c)(3)(A), 290.41(c)(3)(G), 290.41(c)(1)(F), 290.39(e)(4), 290.39(e)(5), 290.39(h) and Texas Health & Safety Code § 341.035(a).

* NOVs applicable for the Compliance History rating period 9/1/2013 to 8/31/2018

Appendix B

All Investigations Conducted During Component Period July 29, 2014 and July 29, 2019

- Item 1 August 29, 2018** (1500071) For Informational Purposes Only
Item 2 November 09, 2018 (1524314) For Informational Purposes Only
Item 3 February 27, 2019 (1550302) For Informational Purposes Only
Item 4 July 26, 2019 (1581044) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2013 and 08/31/2018.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PERMIAN LODGING MIDLAND
LLC
RN107150658**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2019-1122-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding PERMIAN LODGING MIDLAND LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 2801 South County Road 1180 near Midland, Midland County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 700 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on July 25, 2019, an investigator documented that the Respondent did not submit well completion data for review and approval prior to placing the Facility's three public drinking water wells into service. Specifically, letters dated October 5, 2015, and April 10, 2019 informed the Respondent that the TCEQ was unable to approve the wells and requested additional documentation for review and approval. However, no documentation was received.

3. During a record review conducted on July 29, 2019, an investigator documented that the Respondent did not pay annual Public Health Service fees and/or associated late fees for TCEQ Financial Administration Account No. 91650147 for Fiscal Year 2019.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to submit well completion data for review and approval prior to placing the Facility's three public drinking water wells into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A).
3. As evidenced by Finding of Fact No. 3, the Respondent failed to pay annual Public Health Service fees and/or associated late fees, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$172 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$172 penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: PERMIAN LODGING MIDLAND LLC, Docket No. 2019-1122-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order, submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91650147. The payment shall be sent with the notation "PERMIAN LODGING MIDLAND LLC, Financial Administration Account No. 91650147" to the address listed in Ordering Provision No. 1.
 - b. Within 180 days after the effective date of this Order, submit well completion data for review and approval for the Facility's three wells, in accordance with 30 TEX. ADMIN. CODE § 290.41. The well completion data shall be submitted to:

Plan Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the well completion data within 15 days after the date of such request, or by any other deadline specified by the TCEQ in writing.

- c. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.
- d. Within 270 days after the effective date of this Order, obtain approval of the well completion data for the Facility's three wells, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- e. Within 285 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe

that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Midland Regional Office
Texas Commission on Environmental Quality
9900 West IH-20, Suite 100
Midland, Texas 79706

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction,

or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



7/24/2020
Date

For the Executive Director

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

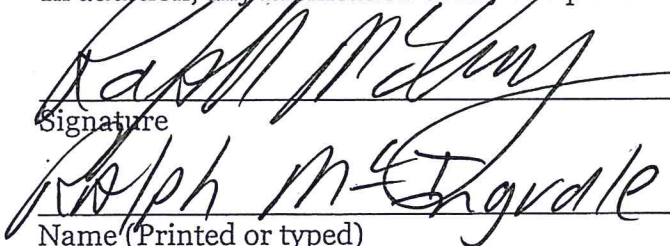
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date



11-14-19
Date

Name (Printed or typed)
Authorized Representative of
PERMIAN LODGING MIDLAND LLC

Title

Manager
Title

☐ If mailing address has changed, please check this box and provide the new address below: